

2011 DRAFTING REQUEST

Bill

Received: **09/15/2011**

Received By: **agary**

Wanted: **As time permits**

Companion to LRB:

For: **Glenn Grothman (608) 266-7513**

By/Representing: **Lance Burri**

May Contact:

Drafter: **agary**

Subject: **Beverages**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Grothman@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Liquor license quotas for restaurants

Instructions:

Wants redraft of 2009 AB-466

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 09/19/2011	mduchek 09/23/2011		_____			Local
/1			jfrantze 09/26/2011	_____	mbarman 09/26/2011	lparisi 10/28/2011	

FE Sent For:

<END>

Handwritten:
A. J. ...
11/1/2011

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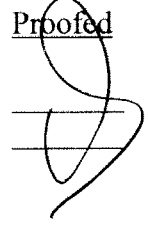
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✓
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/?	agary	11  9/22	 9/22				
FE Sent For:							
<END>							



State of Wisconsin
2009 - 2010 LEGISLATURE

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- 2909/1

LRB-0887

ARG: [signature]

LRNR

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2009 ASSEMBLY BILL 466

October 6, 2009 - Introduced by Representatives HINTZ, GOTTLIEB, SPANBAUER, STRACHOTA, ZIGMUNT, ZEPNICK, LOTHIAN, TOWNSEND, MURSAU, ZIPPERER, BALLWEG and ROYS, cosponsored by Senators PLALE, GROTHMAN, MILLER, OLSEN and TAYLOR. Referred to Committee on Urban and Local Affairs.

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- 1 AN ACT *to amend* 125.51 (4) (v) 1.; and *to create* 125.02 (6g) of the statutes;
- 2 **relating to:** municipal quotas for retail intoxicating liquor licenses.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from selling alcohol beverages at retail unless the seller possesses a license or permit authorizing the sale. A "Class B" license authorizes the retail sale of intoxicating liquor for consumption on the licensed premises and, depending on the type of intoxicating liquor and whether a municipal ordinance has been adopted, may also authorize the retail sale of intoxicating liquor for consumption off the licensed premises, subject to certain limitations. Current law imposes a quota on the number of "Class B" licenses that a municipality may issue. This quota is generally determined by a formula based on the number of licenses previously issued by the municipality and the municipality's population. Current law provides quota exceptions for a full-service restaurant that has a seating capacity of 300 or more persons and for a hotel that has 50 or more rooms and has a restaurant or banquet room meeting certain criteria. Current law also provides a quota exception for certain opera houses and theaters, but a "Class B" license issued under this exception authorizes the sale of intoxicating liquor only for consumption on the premises and only in connection with ticketed performances.

Most

*

This bill modifies the quota exception for full-service restaurants. The bill provides a quota exception for a full-service restaurant regardless of seating capacity, but creates a definition of "full-service restaurant" that limits the exception to an establishment where meals are prepared, served, and sold for consumption on the premises and in which the sale of alcohol beverages accounts for 50 percent or

for purposes of the bill

ASSEMBLY BILL 466

less of the establishment's gross receipts. In addition, a "Class B" license issued under this exception authorizes the sale of intoxicating liquor only for consumption on the premises. The bill prohibits a person holding a "Class B" license, other than one issued under this exception, from surrendering that license and applying for a new license under this exception.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

125.51(4)(v) 1. a.
SECTION 1. *125.02(6g)* of the statutes is created to read:

51 (4) 1. a. In this subdivision
125.02 (6g) "Full-service restaurant" means an establishment where meals are prepared, served, and sold to transients or the general public for consumption on the premises and in which the sale of alcohol beverages accounts for 50 percent or less of the establishment's gross receipts for the most recent alcohol beverage licensing year. *renumbered 125.51(4)v. 1. b. and*

SECTION 2. 125.51 (4) (v) 1. of the statutes is amended to read:

Change to paragraph
* 125.51 (4) (v) 1. *b.* A full-service restaurant that has a seating capacity of 300 or more persons. Notwithstanding sub. (3) (a) and (b), a "Class B" license issued under this subdivision authorizes the retail sale of intoxicating liquor only for consumption on the premises where sold. If a "Class B" license issued under this subdivision is surrendered to the issuing municipality, revoked, or not renewed, the municipality may not reissue the license to any applicant other than a full-service restaurant. A person that holds a "Class B" license, other than one issued under this subdivision, that is surrendered, revoked, or not renewed may not apply for issuance of a "Class B" license under this subdivision.

(END)

move down

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

Date

LRB-2909/1dn

ARG:.....

med

Wisconsin
This is a redraft of 2009 AB-466. Because of the intervening enactment of 2009/Act 73, I had to make a modification in redrafting this bill. I chose to move the definition of "full-service restaurant" from created s. 125.02 (6g) to created s. 125.51 (4) (v) 1. a. Please advise if this is inconsistent with your intent.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2909/1dn
ARG:med:jf

September 26, 2011

This is a redraft of 2009 AB-466. Because of the intervening enactment of 2009 Wisconsin Act 73, I had to make a modification in redrafting this bill. I chose to move the definition of "full-service restaurant" from created s. 125.02 (6g) to created s. 125.51 (4) (v) 1. a. Please advise if this is inconsistent with your intent.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

Parisi, Lori

From: Julian, Jamie
Sent: Friday, October 28, 2011 11:21 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-2909/1 Topic: Liquor license quotas for restaurants

Please Jacket LRB 11-2909/1 for the SENATE.